

REMARKS

Reconsideration and allowance are respectfully requested.

The non-elected claims 2-8 and 12-32 have been canceled.

Correction of the formal drawings is proposed in the attached corrected informal drawings for Figures 1-4 and Figure 18 where the numeral 89 has been changed to 88. It is believed that this latter correction avoids the necessity of amendment of the specification.

The error noted by the Examiner at page 3 has been corrected.

The pending claims are now claims 1, 9-10 and 11. These claims stand rejected as anticipated by the patent to Kay. In addition, claim 1 stands rejected as anticipated by both the patents to J. and Kim. Claim 11 stands rejected as obvious in view of the patent to Kay.

In response to these rejections, claim 1 has been amended above to more clearly distinguish the invention from these references. Additionally, applicant has obtained an English translation of the patent to Kay and this is attached hereto. As amended, claim 1 now recites that the chamber is filled partially to at least 90% thereby allowing the particles to move relative to one another and that means are provided to substantially prevent movement in a convection-like flow pattern.

Referring to the attached translation of Kay, at page 4, lines 16-22 it is stated that, due to the gap of at least 2% in the cells 4, the elastic powder 5 can undergo elastic vibration and form convection currents without constraint, and the vibration energy, converted to thermal energy by friction and to kinetic energy by collisions between the granules, is thereby absorbed and consumed. Thus, there clearly are no means provided in Kay to prevent or even diminish a convection flow pattern in each chamber. The partitions used to divide the space between the sheets 1 and 2 is clearly only provided to establish three separate chambers.

Kay clearly teaches reliance on convection like flow of his granules in an attempt to achieve damping.

Turning to the patent to J., there is disclosed a shock dampening device where a piston is enclosed in a chamber filled with a particulate mass which is compressible. The volume of the chamber is adjustable. There is no discussion of convection like flow patterns nor the reduction of such flow patterns to any extent. Further, there is no discussion of dampening vibrations in another body to which the chamber 2 would be attached or connected. The adjustment of the volume of the chamber appears to be provided simply to compress the particulate so that the piston can be returned to its initial position after an impact.

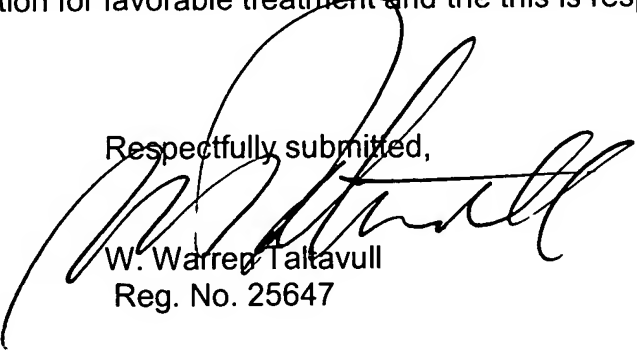
Turning to the patent to Kim, there is described a damping system where a hollow member is filled with granules and attached by a visco elastic layer to a structure. The specification does not address convection-like flow patterns nor does it describe any means for preventing or even diminishing such flow patterns in the hollow member.

Claim 11 stands rejected of the patent to Kay with the Examiner acknowledging and that there is no disclosure in Kay of the material used for the asserted baffle in Kay. However there is no baffle disclosed in Kay so that there is no basis for this rejection of this ground alone. All that Kay discloses is three chambers separated by partitions which clearly do not affect the flow pattern of the particles in any one of the three chambers.

The remaining references do not appear to be any more relevant than those discussed above.

Having addressed all the points raised in the action, it is believed that the application is now in condition for favorable treatment and the this is respectfully solicited.

Respectfully submitted,


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